UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/775,042	02/01/2001	Lisa A. Fillebrown	107870.00012	8351

23990	7590	04/10/2006		

DOCKET CLERK
P.O. DRAWER 800889
DALLAS, TX 75380

EXAMINER
PRIETO, BEATRIZ

ART UNIT	PAPER NUMBER
2142	

DATE MAILED: 04/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>*02 February 2006*</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22,30,32,33,36,37,40,42 and 43* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22,30,32-33,36-37,40,42 and 43* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>*01 February 2001*</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This communication is in response to Amendment filed 2/02/2006, claims 1-22, 30, 32-33, 36-37, 40 and 42-43 remain pending.

2.   Quotation of the appropriate paragraphs of the 34 USC 102(e) that form the basis for the rejections under this section may be found in previous office action(s).

3.   Claims 1-22, 30, 32-33, 36-37, 40 and 42-43 are rejected under 35 USC 102(e) as being anticipated by Gershman et. al. (US 6,356,905) (referred to as Gershman hereafter).

Regarding claim 1, Gershman teaches

        receiving a data packet having data at a first device capable of communicating with a second device; associating the data with one of a plurality of software applications executing on the first device; generating information in response to processing by the one software application; receiving said information on the second device and producing a display on the second device; and where the first and second device performing transmissions to one another simultaneously (column 34, lines 56-64, column 50, lines 17-55, column 51, lines 1-18 and column 56, line 5-column 57, line 4).

Regarding claim 2-8 wherein the software applications executes on the wireless server (column 34, line 65-column 35, line 12) and in background (column 2, lines 18-24 and column 10, lines 26-66).

Regarding claims 9-14, 18, 20-22, 32, the step of converting discloses data packet into data stream, and further into audio and video stream (column 44, lines 1-15, and column 45, lines 50-65).

Regarding claims 15-17, for claiming wireless protocol is Bluetooth protocol and also IEEE 802.11 protocol, it would be inherent to skilled artisan in the wireless networking including devices such as PDA, that communication over wireless link uses a standard communication protocols, such as the IEEE standard 802.11 or an emerging wireless communication protocol referred to by the name "Bluetooth". (Also see, 6,721,787 column 2, lies 59 to column 3, line 1-4).

Regarding claim 19, wherein the wireless server simultaneously executes multiple instances of the software application, Gershman discloses an electronic valet 2602 which executes many different software applications as on column 50, lines 28-55.

Regarding claim 30 for comprising displaying registration page, Gershman discloses "Gatekeeper" for interfacing media subsystem, as on column 45, lines 51-64.

Claims 33, 36-37, 40, 42 and 43 are claiming similar subject matter in various format of method claim 1, therefore are rejected for similar reasons.

Response to Arguments

4.   Regarding claims 1-22, 30, 32-33, 36-37, 40, and 42-43 anticipated by Gershman, it is argued that the applied prior art does not teach claim limitation as amended. Specifically, does not teach "associating the data with *one of a plurality of network enabled software applications*". Because according to applicant's interpretation the third party service provider and the content providers execute the software application. The wireless servers (2606, 2722) do not execute the software application.

In response to the above-mentioned argument, applicant's interpretation of the applied prior art has been considered. Gershman discloses

A system is disclosed that facilitates web-based information retrieval and display system. A wireless phone or similar hand-held wireless device with Internet Protocol capability is combined with other peripherals to provide a portable portal into the Internet. The wireless device prompts a user to input information of interest to the user. *This information is transmitted a query to a service routine (running on a Web server). The service routine then queries the Web to find price, shipping and availability information from various Web suppliers. This information is formatted and displayed on the hand-held device's screen through an interface support framework.* The user may then use the hand-held device to place an order interactively (column 2, lines 55-67).

The wireless device 920 transmits the bar code via an antennae 930 to the Pocket BargainFinder *Service Module (running on a Web server)* 940, which converts it to (in the case of books) its International Standard Book Number or (in the case of other products) whatever identifier is appropriate. The Service *Module then contacts the appropriate third-party Web site(s) to find price, shipping and availability information on the product from various Web suppliers 950. This information is formatted and displayed on the hand-held device's screen* (column 27, line 49 to column 28, line 7).

FIG. 18 discloses the detailed interaction between a consumer and the integrator involving one supplier. The user accesses a Web Browser 1810 and requests product and pricing information from the integrator. The request is sent from the user's browser to the integrator's Web/Application Server 1820. The user's preferences and personal information is obtained from an integrator's customer profile database 1830 and returned to the Web/Application server. The requested product information is extracted from the supplier's product database 1840 and customized for the particular customer. The Web/Application server updates the supplier's customer information database 1850 with the inquiry information about the customer. The product and pricing information is then formatted into a Web Page 1860 and returned to the customer's Web Browser (column 34, lines 39-53). Thus, utilizing the wireless modem, a user may utilize the *web server software (940 of Fig. 9)* to identify the right product 950 and then use an appropriate device's key(s) to select a supplier and place an order in accordance with a preferred embodiment. The BargainFinder Service Module then consummates the order with the appropriate third-party Web supplier 960 (column 28, lines 33-39).

A suite of software agents running on the application and web servers are programmed to take care of repetitive or mundane tasks for the user. The agents work according to rules set up by the user and are only allowed to perform tasks explicitly defined by the user. The agents can take care of paying bills for the user, filtering content and emails, and providing a summary view of tasks and agent activity. The user interface for the agent can be modified to suit the particular user (column 34, lines 56-64). Fig. 19 discloses the logic in accordance with a preferred embodiment *processing by an agent* to generate a verbal summary for the user. When the user requests the summary page 1900, the server gets the user's agent references 1920, such as agent type, rules and summary level from the user profile database 1930. The server gets the content 1940, such as emails, to do list items, news, and bills, from the content database 1950. The agent *parses* all of this content, using the rules stored in the profile database, and summarizes the content 1960. The *content is formatted into a web page* 1970 according to a template. The text for the agent's speech is generated 1980, using the content from the content database 1990 and speech templates stored in the database. This speech text is inserted into the web page 1995 and the page is returned to the user 1997 (column 34, line 65-column 35, line 12).

Thus, utilizing the wireless modem, a user may utilize the Mobile Portal 2606 via the Electronic Valet 2602. In certain circumstances, *data may be automatically sent to select services based on the type and value of the data obtained by the Electronic Valet 2602* (column 51, lines 1-18)

The Mobile Portal Platform is a high-impact, *server-based application* in accordance with a preferred embodiment that is focused on the theme of delivering services and providing a personalized experience for each customer via a personal site located on a server. From the time a demand for services is entered, *intelligent agents* are utilized to conduct research, execute transactions and provide advice. By using advanced profiling and filtering, the intelligent agents learn about the user, improving the services they deliver (column 51, lines 1-18)

The Mobile Portal 2712 receives data from the Electronic Valet 2713 via a packet-switched wireless network 2732. Information received through the packet-switched wireless network is then decoded by the encryption and decryption element 2720 of the Mobile Portal 2712. Once the data has been decoded the Mobile Portal server 2722 *utilizes intelligent agents 2724, customer intelligence 2726*, and customer data 2728 *to obtain the requested data* from third party content and service providers 2730. The Mobile Portal Server 2722 *utilizes intelligent software agents to respond to customer needs*. The software agents 2722 utilize customer data 2728 to determine to personalize their task to the individual user's goals, habits and preferences. The customer data 2728 is in turn routinely updated by the customer and by the customer's actions. Each time a user uses the Mobile Portal 2712 a log is kept of the user's queries and other uses of the Mobile Portal Platform 2710. In this way, the software agents 2724 are able to utilize the user's past habits to personalize their task. (column 56, line 53-column 57, line 4)

In addition to software agents 2724, the Mobile Portal Server 2722 utilizes customer intelligence 2726 to respond to user needs. Third party content and service providers 2730 are utilized by the Mobile Portal 2712 to provide the services and information requested by the users. The third party content and service providers may be accessed through the Internet or through a Mobile Portal Extranet. *The intelligent agent software 2712 search* through the third party providers to determine the one most suitable for the user, taking into consideration the customer's profile contained in the customer data 2728. In this way, the user may be less specific in their queries than they would have to be without a user profile (column 56, line 5-53)

Arguments that the servers (2606, 2722) do not execute the software application are not persuasive.

5.   Regarding claims 1-22, 30, 32-33, 36-37, 40, and 42-43 anticipated by Gershman, it is argued that the applied prior art does not teach claim limitation as amended. Specifically, does not teach "network enabled software applications" do not appear equivalent to the intelligent agents (2724), customer intelligence (2726) or customer data (2728) in the mobile portal (2712).

In response to the above-mentioned argument, applicant's interpretation of the applied prior art has been fully considered. Claimed termed "network enabled software applications" has been reviewed with respect to the specification and as to the proper interpretation that should be applied to this term (see MPEP 2100/2106).

According to the invention's specification the closes written description, the specification describes how these are stack on the operating system, their capabilities and a series of examples as to

what network enabled applicable can include i.e. *"Examples of network enabled applications include network enabled games, word processing applications, database applications, scheduling applications, spreadsheet applications, Internet enabled applications, and wireless smart appliance applications"* [0091-0092]. Thus, the broadest reasonable interpretation to the claimed term, "network enabled software application" is software and/or applications.

Gershman teaches in the above provided portion where the first (integrator's Web/Application Server 1820) device has web server software where data received from the second (client) device is associated with one of a plurality of software applications executing on thereon, and generating information in response to processing by the one software application data to be rendered on the second (client) device.

Gershman teaches in the above provided portion where the first (Mobile Portal Platform 2606/2722) device has server based application software where data received from the second (client) device is associated with one of a plurality of software applications (e.g. software agents 2724, and customer intelligence 2726) executing on thereon, and generating information in response to processing by the one software application data to be rendered on the second (client) device. The one of the plurality of software applications generate information in response to processing by the one software application for display on the second device.

Arguments that the plurality of software applications (2724/2726) residing on the server are not software and/or applications or the said web server executes no software and/or applications are not persuasive.

6.   Applicant's arguments filed on the above mentioned amendment have been fully considered but not found persuasive.

7.   Reply to a final rejection or action must include cancellation of, or appeal from the rejection of, each rejected claim. If any claim stands allowed, the reply to a final rejection or action must comply with any requirements or objections as to form (see 1.113). If prosecution in an application is closed, an applicant may request continued examination of the application by filing a submission and the fee set forth in § 1.17(e) prior to the earliest of: (c) A submission as used in this section includes, but is not limited to, an information disclosure statement, an amendment to the written description, claims, or drawings, new arguments, or new evidence in support of patentability. If reply to an Office action under

35 USC 132 is outstanding, the submission must meet the reply requirements of § 1.111 (see MPEP 706.07).

8.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prieto, B. whose telephone number is (571) 272-3902. The Examiner can normally be reached on Monday-Friday from 6:00 to 3:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, Andrew T. Caldwell can be reached at (571) 272-3868. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800/4700.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system, status information for published application may be obtained from either Private or Public PAIR, for unpublished application Private PAIR only (see http://pair-direct.uspto.gov or the Electronic Business Center at 866-217-9197 (toll-free).

Any response to this action should be mailed to:
                    Commissioner of Patents and Trademarks
                    P.O. Box 1450
                    Alexandria, VA 22313-1450

Hand carried or delivered to:
                    Customer Service Window located at the Randolph Bldg.
                    401 Dulany St.
                    Alexandria, VA 22314

Faxed to the Central Fax Office:
                    (571) 273-8300 (New Central Fax No.)

Or Telephone: (571) 272-2100 for TC 2100 Customer Service Office.

BEATRIZ PRIETO
PRIMARY EXAMINER